## IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS LUFKIN DIVISION

JOSEPH C. RAY	§
;	§
Plaintiff,	§
· · · · · · · · · · · · · · · · · · ·	<b>§</b>
<b>v.</b>	§ CIVIL ACTION NO. 9:12CV00022
· · · · · · · · · · · · · · · · · · ·	<b>§</b>
;	§
TEXAS HOME HEALTH OF	§
AMERICA, LP	§
;	§
Defendant.	§

The parties, having consulted pursuant to Rule 26(f), Fed. R. Civ. P., hereby report as follows:

The parties' proposed discovery plan as required by Fed. R. Civ. P. Rule 26(f) is attached.

## BRACEWELL & GIULIANI LLP

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Dated: March 23, 2012

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JOSEPH C. RAY	§	
	§	
Plaintiff,	§	
	§	
<b>v.</b>	§	CIVIL ACTION NO. 9:12CV00022
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	§	
TEXAS HOME HEALTH OF	§	
AMERICA, LP	§	
	§	
Defendant.	§	

## JOINT PROPOSED DISCOVERY PLAN PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(f)

A. What changes should be made in the timing, form, or requirement for disclosures under Rule 26(a), including a statement of when initial disclosures were made or will be made.

The parties agree to the timing, form, and requirement for disclosures outlined in the Court's Order of March 7, 2012. Initial Disclosures will be made by May 2, 2012.

B. The subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues.

Discovery is needed on all aspects of Plaintiff's claims and Defendant's defenses. Discovery should be completed by December 7, 2012, and should not be conducted in phases.

C. Any issues about disclosure or discovery of electronically stored information, including the form or forms in which is should be produced.

To the extent that electronic information is relevant, available, or becomes necessary, the parties agree that production of any such documents shall be in PDF format, or as hard copies, or in any such format that has been mutually agreed upon by the parties.

D. Any issues about claims of privilege or of protection as trial-preparation materials, including – if the parties agree on a procedure to assert these claims after production – whether to ask the court to include their agreement in an order.

The parties agree that if privileged documents are inadvertently produced, upon identification of the privileged document by counsel for the producing party, the opposing counsel will return the document immediately without copying or transmitting the document to others. The parties will agree to a proposed protective order for submission to the Court, if necessary.

E. What changes should be made in the limitations on discovery imposed under these rules or by local rule, and what other limitations should be imposed.

None at this time.

F. Any other orders that the court should issue under Rule 26(c) or under Rule 16(b) and (c).

None at this time.